

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

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P R 121518Z MAY 75

FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC PRIORITY 2651

INFO AMEMBASSY VIENNA

LIMITED OFFICIAL USE BUCHAREST 2036

E.O. 11652: N/A

TAGS: PFOR, CASC, RO

SUBJ: CASE OF ANDREI ASHER

REF: BUCH 1892

1. CHARGE INFORMED AUSTRIAN AMBASSADOR THIS MORNING THAT MILITARY TRIBUNAL WILL HEAR APPEAL TOMORROW IN CASE OF ASHER AND SCHEIBE. APPEAL IS NOT ANTICIPATED TO TAKE LONGER THAN TWO DAYS AT MOST. IN RESPONSE TO QUESTION AS TO REASON FOR ABRUPT SCHEDULING, AMBASSADOR SAID HE COULD ONLY SPECULATE THAT PERHAPS GOR ANXIOUS TO DISPOSE OF CASE.

2. ASHER'S ATTORNEY ,PORA, WHO IDENTIFIED AS HEAD OF LAWYER'S ASSOCIATION, IS REPORTEDLY OPTIMISTIC ABOUT OUTCOME OF APPEAL. AMBASSADOR NOTED, HOWEVER, THAT PORA HAD ALSO BEEN OPTIMISTIC PRIOR TO INITIAL SENTENCING. IN FACT, PORA'S EARLIER UNWARRANTED OPTIMISM, GENERAL VAGUENESS, AND POORLY ORGANIZED PREPARATION FOR FIRST TRIAL HAD PROMPTED AUSTRIANS TO ENGAGE SECOND ATTORNEY IN WHOM THEY HAVE GREATER CONFIDENCE.

3. AUSTRIAN AMBASSADOR HAS ASKED VIENNA TO AUTHORIZE EMBASSY REPRESENTATION AT APPEAL, WHICH HE BELIEVES WILL BE APPROVED.

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IN ADDITION AMBASSADOR ALSO ASKED GOA TO APPROVE DEMARCHE TO

MFA AT DEPUTY MINISTER LEVEL. FROM HIS COMMENTS WE GATHER THAT THE APPROACH HE ADVOCATES WOULD: (1) BE RELATIVELY LOW-KEYED (2) ACKNOWLEDGE GOR COMPETENCE TO PROSECUTE SCHEIBE AND, OF COURSE, ASHER, (3) RECOGNIZE GOR'S AUTHORITY TO IMPOSE PENALTIES IT DEEMED APPROPRIATE BUT WOULD (4) CONTEND THAT TRIAL BY MILITARY TRIBUNAL IS CONTRARY TO HUMAN RIGHTS CONVENTION TO WHICH GOR IS SIGNATORY AND (5) DAMAGES GOOD ROMANIAN-AUSTRIAN COMMERCIAL RELATIONS.

4. IN AUSTRIAN AMBASSADOR'S VIEW LITTLE IS TO BE GAINED FROM CONFRONTATION WITH ROMANIANS ABOUT ASHER'S CASE AND FOUR OTHERS IN WHICH AUSTRIANS NOW INVOLVED. FROM THEIR RESEARCH AUSTRIANS BELIEVE TRIALS STEM FROM ANTI-CORRUPTION DRIVE INITIATED LAST SUMMER FROM "ON TOP". MOST FRUITFUL APPROACH THEREFORE APPEARS, ACCORDING TO AMB, TO EDUCATE GOR RE JURIDICAL ASPECTS OF INTERNATIONAL

ECONOMIC COOPERATION.

5. WE ARE ASSUMING THAT DEPARTMENT'S DEMARCHE TO BOGDAN ON THIS CASE IS AS MUCH AS WE INTEND TO PRESS GOR FOR THE MOMENT. GIVEN THE CIRCUMSTANCES WE BELIEVE WE SHOULD ENCOURAGE AUSTRIANS TO GET OUT FRONT AND STAY OUT FRONT, WHICH THEY APPEAR TO BE PREPARED TO DO.
VIETS

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